

REMARKS

Applicants have considered the outstanding official action. It is respectfully submitted that the application is directed to patentable subject matter and in condition for allowance as set forth below.

Initially, applicants note that the Examiner maintains that the applicants have "not addressed the rejection in light of the teachings as a whole and as such, it is maintained that the Applicant is arguing against the references singularly." (See advisory action, continuation of 11). Applicants respectfully disagree since applicants indicated with respect to specific teachings how each secondary reference does not make up for the shortcomings of the primary reference Marissal and argued specifically against that which the Examiner used each secondary reference to teach as set forth in previous responses.

Claims 3 and 4 are rejected under 35 U.S.C. §103(a) as being unpatentable over U.S. Patent No. 5,653,193 (Marissal) in view of U.S. Patent No. 4,257,350 (Streichenberger) and further in view of U.S. Patent No. 6,431,107 (Byle) and further in view of U.S. Patent No. 5,412,903 (Zemach).

Applicants do not acquiesce in the position of the Examiner with regard to the §103 rejection and applied

references, but in order to move prosecution forward, applicants have amended claim 3 to clarify the claimed shellfish farm. Claim 3 is the sole independent claim in the application. Dependent claim 4 further defines the anchoring system. More particularly, claim 3 claims a submersible shellfish farm which includes at least one line of cables suspended horizontally from two end floats which support the at least one line in association with intermediate support buoys positioned in relation to the at least one line of cables to maintain the at least one line of cables in a non-catenary manner. (See Substitute Specification filed November 1, 2006, page 6, lines 19-22; page 8, lines 4-8). The two end floats are connected to concrete dead weights by an anchoring system which is constructed and arranged to create a vertical thrust on the at least one line of cables to tension and maintain tension on the at least one line of cables. (See Substitute Specification, page 6, lines 12-14; page 7, line 23-page 8, line 1).

Applicants' claims as currently amended provide further basis which distinguish the claimed shellfish farm from the applied art. In addition, applicants resubmit the elements which distinguish the claimed shellfish farm as basis for distinction as set forth in previous responses.

Accordingly, applicants' claims are directed to a submersible shellfish farm including a system of soft stabilization involving cables that include end floats of variable buoyancy arranged on both sides of a line of buoys and which support the line in tension to absorb the weight from the growth of the shellfish on the culture ropes, as well as sudden movements of the sea (e.g., from storms) in which the farm is anchored. The line of buoys are positioned in relation to the line of cables to maintain the line of cables in a non-catenary manner. The art applied by the Examiner does not teach or suggest support buoys positioned in relation to at least one line of cables to maintain the line of cables in a non-catenary manner. The applied art also does not teach or suggest an anchoring system which creates vertical thrust on the line of cables to tension and maintain tension on the at least one line of cables. Thereby, tension is maintained in the line which absorbs the increase in weight of the shellfish. Thus, the end floats and anchoring system combine to provide soft stabilization and support to the cables and the line of cables are maintained in a non-catenary manner in horizontal between two end floats. The applied art does not teach or suggest such claimed structure.

Marissal teaches a device for growing mollusks, as set forth in applicants' previous responses. Marissal

teaches a different structure from applicants' structure as claimed. In particular, Marissal does not disclose (1) at least one line of cables being non-catenary and suspended horizontally from two end floats, (2) intermediate support buoys positioned in relation to the at least one line of cables to maintain the at least one line of cables in a non-catenary manner and (3) an anchoring system which creates a vertical thrust on at least one line of cables to tension and maintain tension on the line of cables as claimed. Marissal also does not teach or suggest other elements of the claimed shellfish farm as set forth in applicants' previous responses.

The Examiner also relies on Byle, Streichenberger and Zemach in combination with Marissal to reject claims 3 and 4 under 35 U.S.C. §103. The Examiner relies on each of Byle, Streichenberger and Zemach for an isolated teaching with respect to certain claimed elements not taught by Marissal. As set forth in prior responses, applicants submit that the secondary references do not make up for all the shortcomings of Marissal. Further, applicants submit that the secondary references do not contain any teachings as to the features as provided in the present amendment to the claims. The Examiner only relies on Byle for teaching concrete as an equivalent to pig iron and states that no further discussion as to structure in Byle is necessary.

Neither Streichenberger nor Zemach teach a submersible farm with non-catenary support lines or an anchoring system which creates vertical thrust on a line or lines of cable to tension and maintain tension on the cable.

Accordingly, none of the applied references, alone or in combination, disclose or suggest a submersible shellfish farm as claimed, in particular as including (1) at least one line of cables being non-catenary and suspended horizontally from two end floats, (2) intermediate support buoys positioned in relation to the at least one line of cables to maintain the at least one line of cables in a non-catenary manner and (3) an anchoring system which creates a vertical thrust on at least one line of cables to tension and maintain tension on the line of cables as claimed.

Applicants respectfully submit that the combination of Marissal, Byle, Streichenberger and Zemach does not teach or suggest applicants' invention as claimed. As such, the combination of Byle, Streichenberger and Zemach does not make up for the shortcomings of Marissal as set forth above and in applicants' previous responses. No teaching or suggestion is provided by the applied art to motivate one of ordinary skill in the art to select and combine isolated portions of Marissal, Byle, Streichenberger and Zemach in such a manner so as to provide the shellfish

6463/USSN 10/519,165
Group Art Unit 3644

farm as claimed. Thus, the claimed farm is not rendered obvious within the meaning of 35 U.S.C. §103(a). Withdrawal of the §103 rejection is respectfully requested.

Reconsideration and allowance of the application is respectfully urged.

Respectfully submitted,

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